

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRAVCO INSURANCE COMPANY,

Plaintiff,

v.

ROBERT CRIMO, JR., ROBERT CRIMO, III,
KEELY ROBERTS, individually and as parent and
next friend of C.R. and L.R., JASON ROBERTS,
individually and as parent and next friend of C.R.
and L.R., LAUREN BENNETT, individually and
as a parent and next friend of T.B. and W.B.,
MICHAEL BENNETT, individually and as parent
and next friend of W.B. and T.B., TERRIE
BENNETT, JEFFREY BENNETT, DEBORAH
SAMUELS, ELLIOT SAMUELS, BRUCE
SUNDHEIM, as Special Administrator of the
Estate of JACQUELINE SUNDHEIM, deceased,
PETER STRAUS AND JONATHAN STRAUS, as
Co-Administrators of the Estate of STEPHEN
STRAUS, deceased, LORENA REBOLLAR
SEDANO, MIRNA RODRIGUEZ, individually
and as parent and next-friend of J.S., K.S., and
O.S., OSCAR SANCHEZ, individually and a
parent and next-friend of J.S., K.S., and O.S.,
AMELIA TENORIO, individually and as parent
and next-friend of C.M., ANTONIO MELGAR,
individually and as parent and next-friend of C.M.,
SYLVIA VERGARA, LIZET MONTEZ,
GABRIELA VERGARA, RICARDO TOLEDO,
individually and a Special Administrator of the
Estate of NICOLAS TOLEDO, deceased, PETRA
TOLEDO, JOSEFINA TOLEDO, ALEJO
TOLEDO, MICHAEL ZEIFERT, individually and
as parent and next-friend of B.R.Z., B.M.Z., K.Z.,
and L.Z., CHRISTINE ZEIFERT, individually and
as parent and next-friend of B.R.Z., B.M.Z., K.Z.,
and L.Z., ELIZABETH TURNIPSEED, and
JOSHUA CHUPACK, individually and as next
friend of I.C.,

Defendants.

Case No. 1:23-cv-04731

Hon. Sunil R. Harjani

**JOINT STATUS REPORT ON
UNDERLYING CIVIL AND CRIMINAL CASES**

Following reassignment of this action, the Court confirmed that the previously assigned status report on the underlying civil and criminal cases and proposed next steps remained due on May 21, 2024. Dkt. 35. In support thereof, certain of the Parties,¹ through their undersigned counsel, state the following:

I. Status of Underlying Civil and Criminal Cases

In the above-captioned action, Plaintiff Travco Insurance Company (“Travco”) seeks a declaration that it does not owe a defense to, and is not required to indemnify, Defendants Robert Crimo, Jr. (“Crimo, Jr.”) and Robert Crimo, III (“Crimo, III”) under a policy of insurance issued to Crimo, Jr. bearing policy number 607044640 633 1 for the policy period of June 24, 2022 to June 24, 2023 (the “Travco Policy”) for numerous lawsuits filed against Crimo Jr. and Crimo, III related to the July 4, 2022 mass shooting that occurred in Highland Park, Illinois (the “July 4th Mass Shooting”). There are two categories of lawsuits being brought against Crimo, Jr. and Crimo, III related to the July 4th Mass Shooting: (1) criminal cases brought against Crimo, Jr. and Crimo, III; and (2) civil actions filed in September 2022 by victims of the July 4th Mass Shooting.

Criminal Cases: As of the filing of this report, the criminal case against Crimo, III remains ongoing. His trial date is reportedly set for February 24, 2025.² He is being held in Lake County Jail.

¹ Neither Defendant Robert Crimo, Jr. nor Defendant Robert Crimo, III has appeared or answered in this action as of the filing of this report.

² Sophie Sherry, *Suspected Highland Park parade shooter granted permission to call family from jail*, CHI. SUN-TIMES (Apr. 24, 2024), <https://chicago.suntimes.com/highland-park-parade-shooting/2024/04/24/suspected-highland-park-parade-shooter-robert-crimo-iii-granted-permission-call-family>.

On November 6, 2023, Crimo, Jr. pled guilty to misdemeanor counts of reckless conduct and was sentenced to 60 days in jail.³ He has reportedly completed his sentence.⁴

Civil Actions: On September 27, 2022, the following Defendants brought various state-law claims related to the July 4th Mass Shooting against multiple defendants—including Crimo, Jr. and Crimo, III—in twelve civil actions filed in the Circuit Court of Lake County, Illinois: Keely Roberts, Jason Roberts, Lorena Rebollar Sedano, Ricardo Toledo, Petra Toledo, Josefina Toledo, Alejo Toledo, Amelia Tenorio, Antonia Melgar, Bruce Sundheim, Peter Straus, Jonathan Straus, Sylvia Vergara, Lizet Montez, Gabriela Vergara, Lauren Bennett, Michael Bennett, Terrie Bennett, Jeffrey Bennett, Deborah Samuels, Elliot Samuels, Mirna Rodriguez, Oscar Sanchez, Michael Zeifert, Christine Zeifert, Elizabeth Turnipseed and Joshua Chupack (collectively, the “Shooting Victim Defendants”). One month later, defendants Smith & Wesson Brands, Inc., Smith & Wesson Sales Company, and Smith & Wesson Inc. (collectively, “Smith & Wesson”) removed the cases to the Northern District of Illinois (“District Court”).⁵ On September 25, 2023, the District Court issued an order remanding these actions back to the Circuit Court of Lake County, and Smith & Wesson appealed. On April 8, 2024, the Seventh Circuit affirmed the District Court’s order, and directed the District Court to consider whether Smith & Wesson must reimburse costs and fees to the Shooting Victim Defendants.⁶ On May 20, 2024, the District Court directed the

³ *Robert Crimo Jr., Father of Highland Park Parade Shooting Suspect Released from Jail*, ABC7 CHI. (Dec. 13, 2023), <https://abc7chicago.com/highland-park-parade-shooting-robert-crimo-jr-iii-released-from-jail/14176089>.

⁴ *Id.*

⁵ For the Court’s reference, the docket for the lead case—*Roberts v. Smith & Wesson, Inc.*—in the Northern District of Illinois is No. 1:22-cv-06169.

⁶ For the Court’s reference, the docket for the lead case—*Roberts v. Smith & Wesson, Inc.*—in the Seventh Circuit is No. 23-02992.

Clerk's Office to remand the cases to the Circuit Court of Lake County while it retains jurisdiction over the Shooting Victim Defendants' pending motion for fees and costs.

II. Proposed Next Steps

Travco does not assert any claims against the Shooting Victim Defendants because they were not parties to the Travco Policy. The Shooting Victim Defendants have been named in this action solely as necessary and indispensable parties due to their civil actions that name Crimo, Jr. and Crimo, III as defendants.

As to Crimo, Jr. and Crimo, III, Travco plans to move for entry of a default judgment finding that Travco owes no duty to defend or indemnify Crimo, Jr. and Crimo, III for the underlying civil matters primarily on the bases that the claims asserted against Crimo, Jr. and Crimo, III: (1) do not allege "bodily injury" caused by an "occurrence" as those terms are defined in the Travco Policy; and (2) the claims asserted in the underlying cases fall within the scope of the Travco Policy's "expected or intended injury" exclusion. Travco anticipates that this Court will be in position to enter such a judgment following resolution of the underlying Crimo, III criminal trial. The Shooting Victim Defendants reserve all rights to raise any legal or factual issues or arguments in connection with any such motion.

Dated: May 21, 2024

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*Admitted *pro hac vice*